

DOCKET NO: 252006US2

IN THE UNITED STATES PATENT & TRADEMARK OFFICE

IN RE APPLICATION OF :  
YOSHIHARU UETANI : EXAMINER: SMITH, JEFFREY S  
SERIAL NO: 10/826,390 :  
FILED: APRIL 19, 2004 : GROUP ART UNIT: 2624  
FOR: IMAGE PROCESSING :  
APPARATUS, IMAGE PROCESSING  
METHOD AND IMAGE PROCESSING  
SYSTEM

PROVISIONAL ELECTION

COMMISSIONER FOR PATENTS  
ALEXANDRIA, VIRGINIA 22313

SIR:

In response to the election requirement dated May 7, 2007, Applicant provisionally elects with traverse Species 1, identified in the outstanding Official Action as corresponding to Figure 2, for further examination on the merits. Applicant identifies Claims 1-5 and 10-16 as readable on the elected species. Applicant reserves the right to file one or more divisional applications directed to the non-elected invention.

Furthermore, while the Election Requirement asserts that the application contains claims to patentably distinct inventions, MPEP § 803 states the following:

If the search and examination of an entire application can be made without serious burden, the Examiner must examine it on the merits, even though it includes claims to distinct or independent inventions.

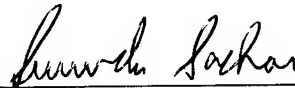
Although the outstanding Official Action identifies different search classifications, it is believed that the claims of the present application would have to be searched in a handful of sub-classes. Furthermore, since electronic searching is commonly performed, a search may

be made of a large number of, or theoretically all, subclasses without substantial additional effort. Accordingly, Applicant respectfully traverses the Election Requirement on the grounds that a search and examination of the entire application would not place a *serious* burden on the Examiner, whereas it would be a serious burden on Applicant to prosecute and maintain separate applications.

Therefore, it is respectfully requested that the requirement to elect a single species be withdrawn, and that a full examination on the merits of Claims 1-5 and 10-16 be conducted.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,  
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